

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Promoting Innovation and Competition
in the Provision of Multichannel Video
Programming Distribution Services

)
)
)
)
)
)

MB Docket No. 14-261

To: Secretary, FCC
For: The Commission

**REPLY COMMENTS OF
CAPITOL BROADCASTING COMPANY, INC.
AND TOTALCAST, LLC**

Capitol Broadcasting Company, Inc. (“CBC”) and its subsidiary TotalCast, LLC (“TotalCast”) hereby submit these reply comments in response to the Commission’s December 17, 2014 *Notice of Proposed Rulemaking* (“NPRM”).¹ This proceeding addresses the Commission’s proposal to update its interpretation of the term “multichannel video programming distributor” (“MVPD”) to include Internet-based video programming services.

CBC has a long history of innovation in television broadcasting and is respected throughout the industry as a pioneer in broadcast and wireless technology. In addition, CBC believes strongly in the importance of local broadcasting. Our country’s unique and robust local media environment, which mixes local, regional and national content, was built on a foundation of geographically bound content and the integrity of those boundaries is critical for its

¹ *Promoting Innovation and Competition in the Provision of Multichannel Video Programming Distribution Services*, Notice of Proposed Rulemaking, 30 FCC Rcd 208 (2015) (“NPRM”).

preservation. Recognizing this, CBC has, through TotalCast, developed technology relating to the management of geo-restricted content and has been issued patents for this technology.²

Therefore, this proceeding is of particular interest to both CBC and TotalCast as the Commission considers the impact of technological innovations on video programming distribution and the preservation of local broadcasting.

I. The integrity of geographic boundaries on content is critical to the preservation of local broadcasting

Geography has always been a defining component of the scope of television broadcasters' delivery of programming. As distribution methods have evolved from transmitters to cable and satellite networks, the importance of geographic boundaries has continued to be paramount and has been addressed and enforced by private retransmission consent agreements and must carry regulations. Now that programming can be distributed via the Internet, the evolution of distribution continues, but the reality and importance of the geographically bound content on which the local broadcasting ecosystem was built also continues. And the MVPD/OVD, as the distributor of the content, is in the best position to enforce such boundaries.

Therefore, if the Commission decides to expand the definition of MVPD to include providers that distribute content over the Internet, it is imperative that it addresses the need to geo-fence content appropriately and require MVPDs/OVDs to demonstrate that they have the ability to do so effectively.

Such technology exists today. CBC and TotalCast foresaw that mobile devices would need to be able to restrict access to content to a defined geographic area and they developed

² See, e.g., Goodmon, James F. System and Method for Delivering Geographically Restricted Content, Such as Over-Air Broadcast Programming, to a Recipient Over a Computer Network, Namely the Internet. Patent 8,346,230. 16 Apr. 2013.

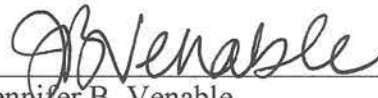
technology that allows broadcaster signals to be accessed within (and not outside) a designated market area. In addition, TotalCast's technology continually checks in with the receiving device to determine whether it is still in the defined geographic area and therefore authorized to continue receiving the requested programming. A single check at the initiation of content distribution would not be adequate given the mobile nature of today's devices.

II. Conclusion

The ecosystem of robust and unique local programming and its retransmission by MVPDs was built on a geographically defined foundation and those geographic boundaries must be respected in any change in the regulation of MVPDs. Therefore, if the Commission expands the definition of MVPD to include OVDs, CBC and TotalCast submit that the Commission should also implement regulations that require OVDs to demonstrate that they have implemented technology that effectively restricts content to the designated area and continually checks to confirm that the receiving device remains in the authorized area.

Respectfully submitted,

CAPITOL BROADCASTING COMPANY, INC.

A handwritten signature in cursive script, reading "J. Venable", written over a horizontal line.

Jennifer B. Venable
Vice President & General Counsel

April 1, 2015